

Exhibit 74

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH
CAROLINA, et al.,

Defendants.

AMENDED DEPOSITION
OF
NI-ERIC PERKINS

THIS DEPOSITION CONTAINS HIGHLY CONFIDENTIAL AND
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

TAKEN AT THE OFFICES OF:
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
222 East Cameron Avenue
110 Bynum Hall
Chapel Hill, NC 27514

05-17-17
8:25 A.M.

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1 discretion, they can send an admit or deny to a
2 second read. If they want to admit an in-state or
3 even deny -- or even deny out-of-state, they can
4 be the sole reader, move it on.

5 Q. Okay. So if a -- the first reader
6 denies an out-of-state student ---

7 A. They can just send it ---

8 Q. --- that will be -- not be read by a
9 second reader unless they send it on to a second
10 reader.

11 A. Correct. Uh-huh (yes).

12 Q. And with regard to in-state students ---

13 A. Uh-huh (yes).

14 Q. --- if the first reader -- whether the
15 first reader admits or denies, that will not go on
16 to a second reader unless the reader specifically
17 sends it on.

18 A. Correct.

19 Q. It's my understanding that there were a
20 number of scores that the readers do across
21 various factors. I think program is one of them.

22 A. Uh-huh (yes).

23 Q. Performance, extracurricular, essay, and
24 personal qualities. Is that right?

25 A. Correct. Uh-huh (yes).

1 Q. Okay. And in addition to that, the
2 first reader also calculates the ranking class and
3 the student's GPA?

4 A. If it's available, yes.

5 Q. If it's available.

6 A. Uh-huh (yes).

7 Q. Are those the only scores that the first
8 or second reader calculates for each ---

9 MR. TULCHIN: Objection.

10 Q. (Mr. Weir) --- student?

11 MR. TULCHIN: You can still answer.

12 A. Yeah. So, I won't call them scores, per
13 se, but those are the only numbers ---

14 Q. (Mr. Weir) Let me clarify.

15 A. Sure.

16 Q. Only numerical scores that the readers
17 write down.

18 A. Those are numerical numbers that the
19 readers enter into our evaluation summary screen.

20 Q. And there's no additional numerical
21 scoring done by either reader.

22 MR. TULCHIN: Objection.

23 A. Not that I'm aware of.

24 Q. (Mr. Weir) Okay.

25 A. Yeah. Off the top of my head.

1 A. First generation college student?

2 Q. Sure.

3 A. I'm not -- yeah, I'm not certain that it
4 goes into the personal quality specifically versus
5 just being a factor among many that we're
6 reviewing in our admissions process.

7 Q. So when a reader is calculating a
8 personal quality score to include, he or she will
9 not use first -- the student's status as a first
10 generation student in calculating that score.

11 MR. TULCHIN: Objection.

12 A. That's not something that I'm
13 instructing or in our training that we're
14 instructing readers to do.

15 Q. (Mr. Weir) So a student's -- an
16 applicant's status as a first generation college
17 student would be considered separate and apart
18 from the personal quality.

19 A. That's a factor among many in our review
20 process.

21 Q. Right. But it's not included within the
22 personal qualities.

23 A. We're not instructing folks to include
24 it in the personal quality.

25 Q. Is that the same case for a student who

1 applies for a fee waiver?

2 A. Yes.

3 Q. Is that the same for consideration of
4 the student's race?

5 A. Well, if -- I mentioned diversity as
6 being ---

7 Q. Sure.

8 A. --- part of that personal quality
9 factor.

10 Q. And when you said diversity as a part of
11 personal quality ---

12 A. Yeah.

13 Q. --- were you -- you were referring to
14 racial diversity?

15 A. I think race. Obviously race,
16 ethnicity, you know, diversity encompasses a
17 number of things. You know, ac -- you know,
18 academic program of choice. You know,
19 socioeconomic status. You know, diversity is
20 encompassing of a number of different things, but
21 I think -- I think when you hear it, I think most
22 tend to -- want to use race, but it's -- it
23 encompasses a lot.

24 Q. Okay.

25 A. And -- uh-huh (yes).

1 Q. So it does include socioeconomic status.

2 A. I think so.

3 Q. And -- so socioeconomic status is
4 something that readers evaluate when coming up
5 with a personal quality score -- score.

6 MR. TULCHIN: Objection.

7 A. If they're looking at it within this
8 idea of diversity, then yes. I mean, I think it's
9 part of it. But I think diverse -- I mean, FQC,
10 socioeconomic status, race, and within themselves,
11 I think they're all just sort of one factor among
12 many in our holistic review process.

13 Q. (Mr. Weir) Sure.

14 A. Yeah. But I can see how it easy -- it's
15 easy for readers to want to sort of tie that in
16 with -- with that PQ factor. But again, it's one
17 factor, separate among many in our review process.

18 Q. Sure. I'm just trying to figure out
19 exactly whether or not readers consider race,
20 socioeconomic status, first generation status when
21 they're calculating the PQ score.

22 A. We're not instructing them to do so, but
23 I can -- it's cert -- it's certainly possible. I
24 can't speak for all readers. I'm sorry.

25 Q. Okay. Would it be improper for a

1 student to -- or, excuse me, a reader to use those
2 -- to include those factors when calculating the
3 personal quality score?

4 MR. TULCHIN: Objection.

5 A. Yeah. I think if -- if they're thinking
6 of diversity and they're thinking in diversity and
7 sort of using those things, I don't think it's
8 improper because I can see how they can come to
9 that conclusion. We're just not specifically
10 instructing folks to -- to do it that way.

11 Q. (Mr. Weir) Okay. In your experience,
12 do readers consider first generation status when
13 calculating the personal quality score?

14 MR. TULCHIN: Objection.

15 A. I'm not aware of the use ---

16 Q. (Mr. Weir) You're not aware of it ever
17 happening?

18 A. No. I'm not saying it's not aware. I'm
19 not aware of them -- specifically aware. Because
20 again, I'm not in their head when they're
21 reviewing applications. I'm just not specifically
22 privy to whether or not they're specifically doing
23 it.

24 Q. Okay.

25 A. Because it's one of those things that

1 we're not instructing them to do.

2 Q. You're not telling them to consider
3 those with personal quality.

4 A. Right. We're saying consider it as a
5 whole, one factor among many in a holistic review
6 process.

7 Q. So once an applicant has made all these
8 calculations for personal quality, for program,
9 their rank in class if it's available, their GPA
10 if it's available, what hap -- how do they then
11 evaluate the applicant?

12 A. Yea, it's ---

13 Q. What's the next -- sorry, what's the
14 next step?

15 A. Yeah. So, you know, obviously each --
16 each reader is going to be different in terms of
17 their approach in how they evaluate application.
18 Right? So it's really hard for me to speak to how
19 they would do it.

20 Q. Sure. How does the -- are there any
21 official policies or instructions? You've
22 mentioned instructions a couple of times. Are
23 there instructions on what an applicant is to do
24 after calculating these various factors?

25 A. Yeah. So review the application in

1 detail. Right? I can't speak for all readers.

2 So I can only speak for myself.

3 Q. Sure.

4 A. Right? You know, evaluation summary
5 screen, you open it up, you pull up documents, you
6 do the necessary input of numerical values, and
7 then you want to spend time evaluating the
8 application. So there's -- you know, let's not
9 forget recommendation letters. You actually to
10 into the application itself and you're formulating
11 thoughts and ideas of what may or may not make
12 this student a good fit for Carolina. So
13 obviously there's a comment box which we have to
14 write comments in. And, you know, every file
15 that's within that student's record gets reviewed
16 to make -- make a holistic decision.

17 Q. Okay. Speaking to your personal
18 experience ---

19 A. Yeah.

20 Q. --- when you are -- after you calculated
21 the numerical values for personal quality for
22 program, those numerical qualities, do you
23 separately consider a student's status as a first
24 generation college student when you're doing a
25 holistic review at that point?

1 Q. You -- you're not looking for that with
2 -- as a part of -- of this retention group, you
3 weren't looking into that?

4 A. We could have been, but I can't recall.

5 Q. You don't recall.

6 A. Yeah. Uh-huh (yes).

7 (EXHIBIT NUMBER 23 WAS MARKED)

8 Q. You have a -- I'm not going to ask you
9 about every page of this. Are you aware what this
10 document is?

11 A. According to the top, it says it's
12 diversity planning report.

13 Q. Have you ever read this report before?

14 A. Nope.

15 Q. Are you aware if the admissions office
16 submits any information for this diversity report?

17 A. I'm not aware.

18 Q. You're not aware personally?

19 A. Personally.

20 MR. WEIR: Take a short break.

21 (Brief recess: 2:23 p.m. to 2:32 p.m.)

22 Q. (Mr. Weir) I just want to circle back
23 on a couple of things we discussed today. First
24 starting with critical mass. I believe you said
25 earlier, correct me if I'm wrong, that you have

1 had the term "critical mass" used in the
2 admissions office.

3 A. I -- I've heard of it. I'm not sure I
4 heard of it used in our office. So, yeah. It's
5 not a term that I use in my daily work in the
6 office.

7 Q. Okay. Have you had any other
8 discussions with other people in the admissions
9 office about critical mass?

10 A. No.

11 Q. What do you, in -- in your personal
12 capacity understand it to mean?

13 A. Just in general sort of a -- the minimum
14 of something, I guess. It can be described as
15 that. Yeah.

16 Q. Separate and apart from your old
17 position, because I know your position has
18 changed, in your new position have you heard the
19 term "critical mass" used over the past year?

20 A. I haven't. No.

21 Q. You've never had any discussions with
22 Steve Farmer, Barbara Polk or anybody about
23 critical mass.

24 A. No.

25 Q. When you're reviewing -- getting back to